

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ANGELA K. WARE,

Plaintiff,

v.

Case No. 2:17-cv-1015

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth Preston Deavers

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER**

The Plaintiff, Angela K. Ware, timely objected to the Report and Recommendation issued by the Magistrate Judge, who recommended that the denial of disability benefits be affirmed. For the reasons that follow, the Court **ADOPTS** the Report and Recommendation that the benefits be **DENIED** and the objections are **OVERRULED**.

The Court has carefully reviewed the decision of the Administrative Law Judge and subsequent Report and Recommendation of the Magistrate Judge. The Court has also carefully reviewed the objections raised by Ms. Ware. She contends that the Magistrate Judge improperly evaluated the opinions rendered by Dr. Spindler.<sup>1</sup>

The plaintiff claims that the Magistrate Judge improperly characterized Dr. Spindler's opinions as vague, when in fact they were not. Dr. Spindler made the following observations:

[Ware] seems capable of managing a variety of unskilled, labor-type jobs. [Ware] appears to have the mental ability to maintain a level of attention and concentration that would be sufficient for most job settings. However, it seems unlikely that she would handle the added stress of outside employment.

(R. at 755.)

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<sup>1</sup> As the Magistrate Judge noted, Spindler holds a M.S. degree and is licensed as a psychologist. It is unclear whether he is a doctor of psychology. Nonetheless, since the matter has not been at issue, the Court will treat his report as rendered by Dr. Spindler.

Dr. Spindler assigned a GAF score of 61, which is defined as indicative of only mild symptoms involving difficulty in social, occupational or school functioning.<sup>2</sup>

The opinion of Dr. Spindler was at best ambiguous, and only mixed support of the plaintiff's claim. Moreover, Dr. Spindler was an examining, but not treating physician. Drs. Rivera and Zwissler came to more certain, contrary conclusions, which both the Magistrate Judge and Administrative Law Judge indicated. The contrary positions taken by Drs. Rivera and Zwissler were reasoned and documented thereby constituting substantial evidence to support the Commissioner's decision.

In light of this, the Magistrate Judge did not err in concluding that Dr. Spindler's opinion was vague and was properly discredited.

For those reasons, the objections are **OVERRULED**. (ECF No. 16.) The Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. (ECF No. 15.) The decision of the Commissioner denying benefits is **AFFIRMED**.

**IT IS SO ORDERED.**

4/30/2020  
**DATE**

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**

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<sup>2</sup> A GAF score of 41-50 indicates serious symptoms and impairment. A score of 51-60 indicates moderate symptoms. A 61 to 70 score indicates mild symptoms.